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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12
13 UNITED STATES OF AMERICA,) Case No. CR 24-222 PCP
14 Plaintiff,)
15 v.) STIPULATION AND PROTECTIVE ORDER
16 PABLO CURIEL ACEVES,) [PROPOSED]
17 Defendant.)
18 _____)

19 With the agreement of the parties, the Court enters the following Protective Order:

20 Defendant is charged with Conspiracy to Distribute and Possess with Intent to Distribute
21 Fentanyl, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C) and Possession with Intent to
22 Distribute Fentanyl, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). Upon receipt of a discovery
23 request, the United States will produce documents and other materials pertaining to the defendant and
24 the charged offenses to defense counsel. The discovery to be provided includes documents or other
25 materials falling into one or more of the following categories (collectively, “Protected Information”):

- 26 1. Personal Identifying Information of any individual (other than his or her name), including
27 any person’s date of birth, social security number, residence address, telephone numbers,
email addresses, driver’s license number, names of persons who are minors, or criminal

- 1 histories (“Personal Identifying Information”);
- 2 2. Financial Identifying Information of any individual or business, including bank account
3 numbers, credit or debit card numbers, account passwords, and taxpayer identification
4 numbers (“Financial Identifying Information”);
- 5 3. Sealed court filings that contain information regarding third parties that are targets or
6 potential targets of investigation, including the following types of documents if they contain
7 such information: sealed applications, affidavits, and orders authorizing search warrants;
8 applications for and orders authorizing the interception of wire and electronic
9 communications; pen register and trap and trace applications and orders; applications for and
10 orders authorizing the provision of information pursuant to 18 U.S.C. § 2703(d); and
11 applications for and orders authorizing investigative process pursuant to the All Writs Act
12 (“Investigatory Materials”); and
- 13 4. Audio and/or video recordings involving confidential sources, cooperating witnesses, and/or
14 undercover officers or agents (“CS/UC Information”).

15 The United States will identify discovery materials as Protected Information by marking such
16 materials “CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER” or by providing written notice
17 identifying discovery materials as Protected Information. The government shall exercise reasonable
18 care in determining which discovery materials should be designated as Protected Information in order to
19 avoid the over-designation of discovery materials as Protected Information.

20 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,
21 **IT IS HEREBY ORDERED** that defense counsel, their investigators, assistants, employees,
22 and independent contractors (collectively, “the Defense Team”) may review with the defendant all
23 discovery material produced by the government, but shall not provide a defendant with copies of, or
24 permit defendant to make copies of, or have unsupervised access to any discovery material produced by
25 the government that contains Protected Information, unless the Protected Information has first been
26 **entirely redacted** from the discovery materials. The government and defense counsel are ordered to
27 work together to ensure that these materials are protected, but that defendant has as much access to the
28 materials as can be provided consistent with this Court’s order. Discovery material that clearly pertains

1 to a specific defendant and does not contain Protected Information regarding any other person (*e.g.*,
2 defendant's own bank records, telephone records, and business records) may be provided to that
3 defendant unredacted.

4 The Defense Team may show witnesses Personal Identifying Information and/or Financial
5 Information in the course of preparing a defense for trial or any related proceedings in this case, but only
6 if (i) the witness, by reason of their participation in the underlying events or conduct, would have seen or
7 had reason to know such information, or (ii) it is otherwise relevant to the defense of the case that the
8 Defense Team discuss with or show the witness Personal Identifying Information and/or Financial
9 Information. Witnesses may only view Personal Identifying Information and/or Financial Information
10 in the presence of the Defense Team. No witness or potential witness may retain copies of discovery
11 material that contains Protected Information after his or her review of those materials with the Defense
12 Team is complete.

13 Defense counsel may also provide unredacted copies of Protected Information to any experts
14 retained to assist with the preparation of the defense in the captioned case. The defendant, all members
15 of the Defense Team, and any experts who receive Protected Information under this Order shall be
16 provided a copy of this Order along with those materials and shall sign and date the order reflecting their
17 agreement to be bound by it.

18 The Defense Team shall maintain Protected Information safely and securely, and shall exercise
19 reasonable care in ensuring the confidentiality of those materials by not divulging the contents or
20 permitting anyone to see Protected Information except as set forth in this Protective Order.

21 The materials provided pursuant to this protective order may only be used for the specific
22 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

23 This Order shall also apply to any copies made of any materials covered by this Order.

24 **IT IS FURTHER ORDERED** that if a party files a pleading that contains or attaches Protected
25 Information subject to this Order, the Protected Information must be filed under seal (accompanied by a
26 request to file under seal) and redacted from the public filing, unless otherwise ordered by the Court.

27 **IT IS FURTHER ORDERED** that after any judgment or disposition has become final and there
28 are no pending proceedings, challenges, appeals, or habeas motions in the case, counsel for defendant

1 shall either destroy discovery materials containing Protected Information (including any copies) within
2 30 days if the defendant consents to such destruction, or retain the Protected Information and ensure that
3 the Protected Information will continue being kept under the conditions specified in this Order. After
4 the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to
5 destroy documents and materials subject to this Order. If defendant is represented by counsel and files a
6 motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and
7 materials subject to this Protective Order under the terms of this Order.

8 This stipulation is without prejudice to either party applying to the Court to modify the terms of
9 any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either
10 party even after the conclusion of district court proceedings in this case.

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12 **IT IS SO STIPULATED.**

ISMAIL J. RAMSEY
United States Attorney

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15 Dated: August 29, 2024

/s/ Christina Liu
Christina Liu
Assistant United States Attorney

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18 Dated: August 29, 2024

/s/ Bruce Funk
Bruce Funk
Counsel for Defendant Pablo Curiel Aceves

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22 **IT IS SO ORDERED.**

23
24 Dated: 9/26/2024


THE HONORABLE NATHANAEL COUSINS
United States Magistrate Judge

1 **By signing below, I acknowledge that I have been provided and have reviewed a copy of**
2 **this Order and hereby agree to be bound by its terms:**

4	<u>SIGNATURE</u>	<u>DATE</u>
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